

**§ 208. Reservation of powers**

Congress reserves the power to alter, amend, or repeal any or all of the sections of this title, but no such alteration, amendment, or repeal shall impair the obligation of any contract made by the Postal Service under any power conferred by this title.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 722.)

## EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as a note preceding section 101 of this title.

**CHAPTER 4—GENERAL AUTHORITY**

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## AMENDMENTS

2000—Pub. L. 106-253, §2(d), July 28, 2000, 114 Stat. 636, added item 416.

1998—Pub. L. 105-241, §4(b), Sept. 28, 1998, 112 Stat. 1573, added item 415.

1997—Pub. L. 105-41, §2(c), Aug. 13, 1997, 111 Stat. 1121, added item 414.

1990—Pub. L. 101-524, §5(b), Nov. 6, 1990, 104 Stat. 2303, added item 413.

**§ 401. General powers of the Postal Service**

The Postal Service shall have the following general powers:

- (1) to sue and be sued in its official name;
- (2) to adopt, amend, and repeal such rules and regulations as it deems necessary to accomplish the objectives of this title;
- (3) to enter into and perform contracts, execute instruments, and determine the character of, and necessity for, its expenditures;
- (4) to determine and keep its own system of accounts and the forms and contents of its contracts and other business documents, except as otherwise provided in this title;
- (5) to acquire, in any lawful manner, such personal or real property, or any interest therein, as it deems necessary or convenient in the transaction of its business; to hold, maintain, sell, lease, or otherwise dispose of such property or any interest therein; and to provide services in connection therewith and charges therefor;
- (6) to construct, operate, lease, and maintain buildings, facilities, equipment, and other improvements on any property owned or controlled by it, including, without limitation,

any property or interest therein transferred to it under section 2002 of this title;

(7) to accept gifts or donations of services or property, real or personal, as it deems, necessary or convenient in the transaction of its business;

(8) to settle and compromise claims by or against it;

(9) to exercise, in the name of the United States, the right of eminent domain for the furtherance of its official purposes; and to have the priority of the United States with respect to the payment of debts out of bankrupt, insolvent, and decedents' estates; and

(10) to have all other powers incidental, necessary, or appropriate to the carrying on of its functions or the exercise of its specific powers.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 722.)

## EFFECTIVE DATE

Cls. (1) and (3) to (10) effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors and cl. (2) effective Aug. 12, 1970. See section 15(a) of Pub. L. 91-375, set out as a note preceding section 101 of this title.

## EMERGENCY PREPAREDNESS FUNCTIONS

For assignment of certain emergency preparedness functions to the Postmaster General, see Parts 1, 2, and 26 of Ex. Ord. No. 12656, Nov. 18, 1988, 53 F.R. 47491, set out as a note under section 5195 of Title 42, The Public Health and Welfare.

**§ 402. Delegation of authority**

Except for those powers, duties, or obligations specifically vested in the Governors, as distinguished from the Board of Governors, the Board may delegate the authority vested in it to the Postmaster General under such terms, conditions, and limitations, including the power of re-delegation, as it deems desirable. The Board may establish such committees of the Board, and delegate such powers to any committee, as the Board determines appropriate to carry out its functions and duties. Delegations to the Postmaster General or committees shall be consistent with other provisions of this title, shall not relieve the Board of full responsibility for the carrying out of its duties and functions, and shall be revocable by the Governors in their exclusive judgment.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 723.)

## EFFECTIVE DATE

Section effective Jan. 16, 1971, pursuant to Resolution No. 71-5 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as a note preceding section 101 of this title.

**§ 403. General duties**

(a) The Postal Service shall plan, develop, promote, and provide adequate and efficient postal services at fair and reasonable rates and fees. The Postal Service shall receive, transmit, and deliver throughout the United States, its territories and possessions, and, pursuant to arrangements entered into under sections 406 and 411 of this title, throughout the world, written and printed matter, parcels, and like materials and provide such other services incidental thereto as it finds appropriate to its functions and in the

public interest. The Postal Service shall serve as nearly as practicable the entire population of the United States.

(b) It shall be the responsibility of the Postal Service—

(1) to maintain an efficient system of collection, sorting, and delivery of the mail nationwide;

(2) to provide types of mail service to meet the needs of different categories of mail and mail users; and

(3) to establish and maintain postal facilities of such character and in such locations, that postal patrons throughout the Nation will, consistent with reasonable economies of postal operations, have ready access to essential postal services.

(c) In providing services and in establishing classifications, rates, and fees under this title, the Postal Service shall not, except as specifically authorized in this title, make any undue or unreasonable discrimination among users of the mails, nor shall it grant any undue or unreasonable preferences to any such user.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 723; Pub. L. 96-70, title I, §1331(e)(1), Sept. 27, 1979, 93 Stat. 482.)

#### AMENDMENTS

1979—Subsec. (a). Pub. L. 96-70 substituted “The Postal Service” for “Except as provided in the Canal Zone Code, the Postal Service”.

#### EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-70 effective Oct. 1, 1979, see section 3304 of Pub. L. 96-70, set out as an Effective Date note under section 3601 of Title 22, Foreign Relations and Intercourse.

#### EFFECTIVE DATE

Section effective Jan. 20, 1971, pursuant to Resolution No. 71-10 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as a note preceding section 101 of this title.

#### CONTINUATION OF MAIL DELIVERY SERVICES

Provisions requiring continuation of six-day delivery and rural delivery of mail at not less than the 1983 level were contained in the following appropriations acts:

Pub. L. 107-67, title II, Nov. 12, 2001, 115 Stat. 525.  
 Pub. L. 106-554, §1(a)(3) [title II], Dec. 21, 2000, 114 Stat. 2763, 2763A-135.  
 Pub. L. 106-58, title II, Sept. 29, 1999, 113 Stat. 444.  
 Pub. L. 105-277, div. A, §101(h) [title II], Oct. 21, 1998, 112 Stat. 2681-480, 2681-492.  
 Pub. L. 105-61, title II, Oct. 10, 1997, 111 Stat. 1290.  
 Pub. L. 104-208, div. A, title I, §101(f) [title II], Sept. 30, 1996, 110 Stat. 3009-314, 3009-326.  
 Pub. L. 104-52, title II, Nov. 19, 1995, 109 Stat. 476.  
 Pub. L. 103-329, title II, Sept. 30, 1994, 108 Stat. 2392.  
 Pub. L. 103-123, title II, Oct. 28, 1993, 107 Stat. 1234.  
 Pub. L. 102-393, title II, Oct. 6, 1992, 106 Stat. 1737.  
 Pub. L. 102-141, title II, Oct. 28, 1991, 105 Stat. 843.  
 Pub. L. 101-509, title II, Nov. 5, 1990, 104 Stat. 1396.  
 Pub. L. 101-136, title II, Nov. 3, 1989, 103 Stat. 790.  
 Pub. L. 100-440, title II, Sept. 22, 1988, 102 Stat. 1727.  
 Pub. L. 100-202, §§101(m) [title II], 102, Dec. 22, 1987, 101 Stat. 1329-390, 1329-397, 1329-433.  
 Pub. L. 99-500, §§101(m) [title II], 102, Oct. 18, 1986, 100 Stat. 1783-308, 1783-314, 1783-346, and Pub. L. 99-591, §§101(m) [title II], 102, Oct. 30, 1986, 100 Stat. 3341-308, 3341-314, 3341-346.  
 Pub. L. 99-190, §§101(h) [H.R. 3036, title II], 102, Dec. 19, 1985, 99 Stat. 1291, 1315.

Pub. L. 98-473, §§101(j) [H.R. 5798, title II], 102, Oct. 12, 1984, 98 Stat. 1963, 1964.

Pub. L. 98-151, §§102, 106, Nov. 14, 1983, 97 Stat. 975.

Pub. L. 98-107, §§102, 108, Oct. 1, 1983, 97 Stat. 740, 741.

Pub. L. 97-377, title I, §111B, Dec. 21, 1982, 96 Stat. 1912.

Pub. L. 97-35, title XVII, §1722, Aug. 13, 1981, 95 Stat. 759, as amended by Pub. L. 98-369, div. B, title II, §2209, July 18, 1984, 98 Stat. 1061.

Pub. L. 96-499, title IV, §412, Dec. 5, 1980, 94 Stat. 2607.

#### PROHIBITION OF 9-DIGIT ZIP CODE

Pub. L. 97-35, title XVII, §1726, Aug. 13, 1981, 95 Stat. 761, provided that:

“(a) The Postal Service shall not implement any ZIP code system using more than 5 digits before October 1, 1983. This subsection shall not be construed as precluding the Postal Service or the Postal Rate Commission from taking such actions as may be required before October 1, 1983, to prepare for the implementation of such a ZIP code system.

“(b) During the period beginning on the date of the enactment of this Act [Aug. 13, 1981] and ending December 31, 1982, no Executive agency shall take any action to conform its mailing procedures to those appropriate for use under any ZIP code system using more than 5 digits. As used in this subsection, the term ‘Executive agency’ has the same meaning given such term by section 105 of title 5, United States Code.”

#### § 404. Specific powers

(a) Without limitation of the generality of its powers, the Postal Service shall have the following specific powers, among others:

(1) to provide for the collection, handling, transportation, delivery, forwarding, returning, and holding of mail, and for the disposition of undeliverable mail;

(2) to prescribe, in accordance with this title, the amount of postage and the manner in which it is to be paid;

(3) to determine the need for post offices, postal and training facilities and equipment, and to provide such offices, facilities, and equipment as it determines are needed;

(4) to provide and sell postage stamps and other stamped paper, cards, and envelopes and to provide such other evidences of payment of postage and fees as may be necessary or desirable;

(5) to provide philatelic services;

(6) to provide, establish, change, or abolish special nonpostal or similar services;

(7) to investigate postal offenses and civil matters relating to the Postal Service;

(8) to offer and pay rewards for information and services in connection with violation of the postal laws, and, unless a different disposal is expressly prescribed, to pay one-half of all penalties and forfeitures imposed for violations of law affecting the Postal Service, its revenues, or property, to the person informing for the same, and to pay the other one-half into the Postal Service Fund; and

(9) to authorize the issuance of a substitute check for a lost, stolen, or destroyed check of the Postal Service.

(b)(1) The Postal Service, prior to making a determination under subsection (a)(3) of this section as to the necessity for the closing or consolidation of any post office, shall provide adequate notice of its intention to close or consolidate such post office at least 60 days prior to

the proposed date of such closing or consolidation to persons served by such post office to ensure that such persons will have an opportunity to present their views.

(2) The Postal Service, in making a determination whether or not to close or consolidate a post office—

(A) shall consider—

(i) the effect of such closing or consolidation on the community served by such post office;

(ii) the effect of such closing or consolidation on employees of the Postal Service employed at such office;

(iii) whether such closing or consolidation is consistent with the policy of the Government, as stated in section 101(b) of this title, that the Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining;

(iv) the economic savings to the Postal Service resulting from such closing or consolidation; and

(v) such other factors as the Postal Service determines are necessary; and

(B) may not consider compliance with any provision of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

(3) Any determination of the Postal Service to close or consolidate a post office shall be in writing and shall include the findings of the Postal Service with respect to the considerations required to be made under paragraph (2) of this subsection. Such determination and findings shall be made available to persons served by such post office.

(4) The Postal Service shall take no action to close or consolidate a post office until 60 days after its written determination is made available to persons served by such post office.

(5) A determination of the Postal Service to close or consolidate any post office may be appealed by any person served by such office to the Postal Rate Commission within 30 days after such determination is made available to such person under paragraph (3). The Commission shall review such determination on the basis of the record before the Postal Service in the making of such determination. The Commission shall make a determination based upon such review no later than 120 days after receiving any appeal under this paragraph. The Commission shall set aside any determination, findings, and conclusions found to be—

(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law;

(B) without observance of procedure required by law; or

(C) unsupported by substantial evidence on the record.

The Commission may affirm the determination of the Postal Service or order that the entire matter be returned for further consideration, but the Commission may not modify the determination of the Postal Service. The Commission may suspend the effectiveness of the determination of the Postal Service until the final disposi-

tion of the appeal. The provisions of section 556, section 557, and chapter 7 of title 5 shall not apply to any review carried out by the Commission under this paragraph.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 724; Pub. L. 94-421, §9(a), Sept. 24, 1976, 90 Stat. 1310; Pub. L. 105-241, §3, Sept. 28, 1998, 112 Stat. 1572.)

#### REFERENCES IN TEXT

The Occupational Safety and Health Act of 1970, referred to in subsec. (b)(2)(B), is Pub. L. 91-596, Dec. 29, 1970, 84 Stat. 1590, as amended, which is classified principally to chapter 15 (§651 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 651 of Title 29 and Tables.

#### AMENDMENTS

1998—Subsec. (b)(2). Pub. L. 105-241 amended par. (2) generally. Prior to amendment, par. (2) read as follows: “The Postal Service, in making a determination whether or not to close or consolidate a post office, shall consider—

“(A) the effect of such closing or consolidation on the community served by such post office;

“(B) the effect of such closing or consolidation on employees of the Postal Service employed at such office;

“(C) whether such closing or consolidation is consistent with the policy of the Government, as stated in section 101(b) of this title, that the Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining;

“(D) the economic savings to the Postal Service resulting from such closing or consolidation; and

“(E) such other factors as the Postal Service determines are necessary.”

1976—Pub. L. 94-421 designated existing provisions as subsec. (a) and added subsec. (b).

#### EFFECTIVE DATE OF 1976 AMENDMENT

Section 9(b) of Pub. L. 94-421 provided that: “The amendments made by subsection (a) of this section [amending this section] shall take effect on the day after the date on which the Commission on Postal Service transmits its final report under section 7(f)(1) of this Act [set out as a note under section 3661 of this title].”

#### EFFECTIVE DATE

Pars. (1), (3) to (9) of subsec. (a) of this section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors and par. (2) of subsec. (a) effective Jan. 20, 1971, pursuant to Resolution No. 71-10 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as a note preceding section 101 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 42 section 10601.

### § 405. Printing of illustrations of United States postage stamps

(a) When requested by the Postal Service, the Public Printer shall print, as a public document for sale by the Superintendent of Documents, illustrations in black and white or in color of postage stamps of the United States, together with such descriptive, historical, and philatelic information with regard to the stamps as the Postal Service deems suitable.

(b) Notwithstanding the provisions of section 505 of title 44, stereotype or electrotypes plates, or duplicates thereof, used in the publications

authorized to be printed by this section may not be sold or otherwise disposed of.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 724.)

#### EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as a note preceding section 101 of this title.

### § 406. Postal services at Armed Forces installations

(a) The Postal Service may establish branch post offices at camps, posts, bases, or stations of the Armed Forces and at defense or other strategic installations.

(b) The Secretaries of Defense and Transportation shall make arrangements with the Postal Service to perform postal services through personnel designated by them at or through branch post offices established under subsection (a) of this section.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 724.)

#### EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as a note preceding section 101 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 403, 413, 3401, 3406 of this title.

### § 407. International Postal Arrangements<sup>1</sup>

(a)(1) The Secretary of State shall have primary responsibility for formulation, coordination and oversight of policy with respect to United States participation in the Universal Postal Union, including the Universal Postal Convention and other Acts of the Universal Postal Union, amendments thereto, and all postal treaties and conventions concluded within the framework of the Convention and such Acts.

(2) Subject to subsection (d), the Secretary may, with the consent of the President, negotiate and conclude treaties, conventions and amendments referred to in paragraph (1).

(b)(1) Subject to subsections (a), (c), and (d), the Postal Service may, with the consent of the President, negotiate and conclude postal treaties and conventions.

(2) The Postal Service may, with the consent of the President, establish rates of postage or other charges on mail matter conveyed between the United States and other countries.

(3) The Postal Service shall transmit a copy of each postal treaty or convention concluded with other governments under the authority of this subsection to the Secretary of State, who shall furnish a copy to the Public Printer for publication.

(c) The Postal Service shall not conclude any treaty or convention under the authority of this section or any other arrangement related to the delivery of international postal services that is inconsistent with any policy developed pursuant to subsection (a).

<sup>1</sup> So in original. "Postal Arrangements" probably should not be capitalized.

(d) In carrying out their responsibilities under this section, the Secretary and the Postal Service shall consult with such federal<sup>2</sup> agencies as the Secretary or the Postal Service considers appropriate, private providers of international postal services, users of international postal services, the general public, and such other persons as the Secretary or the Postal Service considers appropriate.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 724; Pub. L. 105-277, div. A, § 101(h) [title VI, § 633(a)], Oct. 21, 1998, 112 Stat. 2681-480, 2681-523.)

#### AMENDMENTS

1998—Pub. L. 105-277 substituted "International Postal Arrangements" for "International postal arrangements" in section catchline and amended text generally. Prior to amendment, text read as follows:

"(a) The Postal Service, with the consent of the President, may negotiate and conclude postal treaties or conventions, and may establish the rates of postage or other charges on mail matter conveyed between the United States and other countries. The decisions of the Postal Service construing or interpreting the provisions of any treaty or convention which has been or may be negotiated and concluded shall, if approved by the President, be conclusive upon all officers of the Government of the United States.

"(b) The Postal Service shall transmit a copy of each postal convention concluded with other governments to the Secretary of State, who shall furnish a copy of the same to the Public Printer for publication."

#### EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as a note preceding section 101 of this title.

#### TRANSFER OF FUNDS TO STATE DEPARTMENT

Pub. L. 105-277, § 101(h) [title VI, § 633(d)], Oct. 21, 1998, 112 Stat. 2681-480, 2681-524, provided that: "In fiscal year 1999 and each fiscal year hereafter, the Postal Service shall allocate to the Department of State from any funds available to the Postal Service such sums as may be reasonable, documented and auditable for the Department of State to carry out the activities of Section 407 of title 39 of the United States Code."

### § 408. International money-order exchanges

The Postal Service may make arrangements with other governments, with which postal conventions are or may be concluded, for the exchange of sums of money by means of postal orders. It shall fix limitations on the amount which may be so exchanged and the rates of exchange.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 725.)

#### EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as a note preceding section 101 of this title.

### § 409. Suits by and against the Postal Service

(a) Except as provided in section 3628 of this title, the United States district courts shall have original but not exclusive jurisdiction over all actions brought by or against the Postal Service. Any action brought in a State court to

<sup>2</sup> So in original. Probably should be capitalized.

which the Postal Service is a party may be removed to the appropriate United States district court under the provisions of chapter 89 of title 28.

(b) Unless otherwise provided in this title, the provisions of title 28 relating to service of process, venue, and limitations of time for bringing action in suits in which the United States, its officers, or employees are parties, and the rules of procedure adopted under title 28 for suits in which the United States, its officers, or employees are parties, shall apply in like manner to suits in which the Postal Service, its officers, or employees are parties.

(c) The provisions of chapter 171 and all other provisions of title 28 relating to tort claims shall apply to tort claims arising out of activities of the Postal Service.

(d) The Department of Justice shall furnish, under section 411 of this title, the Postal Service such legal representation as it may require, but with the prior consent of the Attorney General the Postal Service may employ attorneys by contract or otherwise to conduct litigation brought by or against the Postal Service or its officers or employees in matters affecting the Postal Service.

(e) A judgment against the Government of the United States arising out of activities of the Postal Service shall be paid by the Postal Service out of any funds available to the Postal Service.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 725; Pub. L. 97-258, § 2(k), Sept. 13, 1982, 96 Stat. 1062.)

#### HISTORICAL AND REVISION NOTES 1982 ACT

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
409(e) .....	31:724a (last sentence).	July 27, 1956, ch. 748, 70 Stat. 678, § 1302 (last sentence); added Aug. 12, 1970, Pub. L. 91-375, § 6(l)(3), 84 Stat. 782.

The words “Notwithstanding the other provisions of this section” are omitted as unnecessary.

#### AMENDMENTS

1982—Subsec. (e). Pub. L. 97-258 added subsec. (e).

#### EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as a note preceding section 101 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3007, 3012 of this title.

### § 410. Application of other laws

(a) Except as provided by subsection (b) of this section, and except as otherwise provided in this title or insofar as such laws remain in force as rules or regulations of the Postal Service, no Federal law dealing with public or Federal contracts, property, works, officers, employees, budgets, or funds, including the provisions of chapters 5 and 7 of title 5, shall apply to the exercise of the powers of the Postal Service.

(b) The following provisions shall apply to the Postal Service:

(1) section 552 (public information), section 552a (records about individuals), section 552b (open meetings), section 3102 (employment of personal assistants for blind, deaf, or otherwise handicapped employees), section 3110 (restrictions on employment of relatives), section 3333 and chapters 72 (antidiscrimination; right to petition Congress) and 73 (suitability, security, and conduct of employees), section 5520 (withholding city income or employment taxes), and section 5532<sup>1</sup> (dual pay) of title 5, except that no regulation issued under such chapters or section shall apply to the Postal Service unless expressly made applicable;

(2) all provisions of title 18 dealing with the Postal Service, the mails, and officers or employees of the Government of the United States;

(3) section 107 of title 20 (known as the Randolph-Sheppard Act, relating to vending machines operated by the blind);

(4) the following provisions of title 40:

(A) sections 3114-3116, 3118, 3131, 3133, and 3141-3147; and

(B) chapters 37 and 173;

(5) the following provisions of title 41:

(A) sections 35-45 (known as the Walsh-Healey Act, relating to wages and hours); and

(B) chapter 6 (the Service Contract Act of 1965);

(6) sections 2000d, 2000d-1—2000d-4 of title 42 (title VI, the Civil Rights Act of 1964);

(7) section 19 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 668);

(8) the provisions of the Act of August 12, 1968 (42 U.S.C. 4151-4156);

(9) chapter 39 of title 31;

(10) the Inspector General Act of 1978; and

(11) section 5520a of title 5.

(c) Subsection (b)(1) of this section shall not require the disclosure of—

(1) the name or address, past or present, of any postal patron;

(2) information of a commercial nature, including trade secrets, whether or not obtained from a person outside the Postal Service, which under good business practice would not be publicly disclosed;

(3) information prepared for use in connection with the negotiation of collective-bargaining agreements under chapter 12 of this title or minutes of, or notes kept during, negotiating sessions conducted under such chapter;

(4) information prepared for use in connection with proceedings under chapter 36 of this title;

(5) the reports and memoranda of consultants or independent contractors except to the extent that they would be required to be disclosed if prepared within the Postal Service; and

(6) investigatory files, whether or not considered closed, compiled for law enforcement purposes except to the extent available by law to a party other than the Postal Service.

(d)(1) A lease agreement by the Postal Service for rent of net interior space in excess of 6,500

<sup>1</sup> See References in Text note below.

square feet in any building or facility, or part of a building or facility, to be occupied for purposes of the Postal Service shall include a provision that all laborers and mechanics employed in the construction, modification, alteration, repair, painting, decoration, or other improvement of the building or space covered by the agreement, or improvement at the site of such building or facility, shall be paid wages at not less than those prevailing for similar work in the locality as determined by the Secretary of Labor under section 276a of title 40.<sup>1</sup>

(2) The authority and functions of the Secretary of Labor with respect to labor standards enforcement under Reorganization Plan numbered 14 of 1950 (title 5, appendix), and regulations for contractors and subcontractors under section 276c of title 40,<sup>1</sup> shall apply to the work under paragraph (1) of this subsection.

(3) Paragraph (2) of this subsection shall not be construed to give the Secretary of Labor authority to direct the cancellation of the lease agreement referred to in paragraph (1) of this subsection.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 725; Pub. L. 91-656, §8(a), Jan. 8, 1971, 84 Stat. 1955; Pub. L. 93-340, §2, July 10, 1974, 88 Stat. 294; Pub. L. 94-82, title I, §101, Aug. 9, 1975, 89 Stat. 419; Pub. L. 94-409, §5(a), Sept. 13, 1976, 90 Stat. 1247; Pub. L. 94-541, title II, §203, Oct. 18, 1976, 90 Stat. 2508; Pub. L. 95-454, title III, §302(c), title VII, §703(c)(4), Oct. 13, 1978, 92 Stat. 1146, 1217; Pub. L. 96-523, §1(c)(2), Dec. 12, 1980, 94 Stat. 3040; Pub. L. 100-496, §2(c)(2), Oct. 17, 1988, 102 Stat. 2456; Pub. L. 100-504, title I, §104(b), Oct. 18, 1988, 102 Stat. 2525; Pub. L. 103-82, title II, §202(g)(6), Sept. 21, 1993, 107 Stat. 890; Pub. L. 103-94, §9(b)(2), Oct. 6, 1993, 107 Stat. 1010; Pub. L. 103-123, title VII, §708(a), Oct. 28, 1993, 107 Stat. 1272; Pub. L. 104-208, div. A, title I, §101(f) [title VI, §662(f)(1)], Sept. 30, 1996, 110 Stat. 3009-314, 3009-382; Pub. L. 107-217, §3(k), Aug. 21, 2002, 116 Stat. 1301.)

#### REFERENCES IN TEXT

Section 5532 of title 5, referred to in subsec. (b)(1), was repealed by Pub. L. 106-65, div. A, title VI, §651(a)(1), Oct. 5, 1999, 113 Stat. 664.

Section 107 of title 20, known as the Randolph-Sheppard Act, referred to in subsec. (b)(3), is section 1 of act June 20, 1936, ch. 638, 49 Stat. 1559, as amended. The act of June 20, 1936, popularly known as the Randolph-Sheppard Act and also as the Randolph-Sheppard Vending Stand Act, is classified generally to chapter 6A (§107 et seq.) of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 107 of Title 20 and Tables.

The Walsh-Healey Act, referred to in subsec. (b)(5)(A), is act June 30, 1936, ch. 881, 49 Stat. 2036, as amended, which is classified generally to sections 35 to 45 of Title 41, Public Contracts. For complete classification of this Act to the Code, see Short Title note set out under section 35 of Title 41 and Tables. See also section 262 of Title 29, Labor.

The Service Contract Act of 1965, referred to in subsec. (b)(5)(B), is Pub. L. 89-286, Oct. 22, 1965, 79 Stat. 1034, as amended, which is classified generally to chapter 6 (§351 et seq.) of Title 41. For complete classification of this Act to the Code, see Short Title note set out under section 351 of Title 41 and Tables.

The Civil Rights Act of 1964, referred to in subsec. (b)(6), is Pub. L. 88-352, July 2, 1964, 78 Stat. 241, as amended. Title VI of the Civil Rights Act of 1964 is classified generally to subchapter V (§2000d et seq.) of chapter 21 of Title 42, The Public Health and Welfare. For

complete classification of this Act to the Code, see Short Title note set out under section 2000a of Title 42 and Tables.

Section 19 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 668), referred to in subsec. (b)(7), is section 19 of Pub. L. 91-596, Dec. 29, 1970, 84 Stat. 1609, which enacted section 668 of Title 29, Labor, and amended section 7902 of Title 5, Government Organization and Employees.

The provisions of the Act of August 12, 1968 (42 U.S.C. 4151-4156), referred to in subsec. (b)(8), probably means Pub. L. 90-480, Aug. 12, 1968, 82 Stat. 718, as amended, popularly known as the Architectural Barriers Act of 1968, which is classified generally to chapter 51 (§4151 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4151 of Title 42 and Tables.

The Inspector General Act of 1978, referred to in subsec. (b)(10), is Pub. L. 95-452, Oct. 12, 1978, 92 Stat. 1101, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

Section 276a of title 40, referred to in subsec. (d)(1), is section 1 of act Mar. 3, 1931, ch. 411, 46 Stat. 1494, as amended, which was classified to section 276a of former Title 40, Public Buildings, Property, and Works, and was repealed and reenacted as sections 3141(2) and 3142 of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §§1, 6(b), Aug. 21, 2002, 116 Stat. 1062, 1304.

Reorganization Plan numbered 14 of 1950 (title 5, appendix), referred to in subsec. (d)(2), is Reorg. Plan No. 14 of 1950, eff. May 24, 1950, 15 F.R. 3176, 64 Stat. 1267, which is set out in the Appendix to Title 5.

Section 276c of title 40, referred to in subsec. (d)(2), is section 2 of act June 13, 1934, ch. 482, 48 Stat. 948, as amended, which was classified to section 276c of former Title 40, Public Buildings, Property, and Works, and was repealed and reenacted as section 3145 of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §§1, 6(b), Aug. 21, 2002, 116 Stat. 1062, 1304.

#### AMENDMENTS

2002—Subsec. (b)(4). Pub. L. 107-217 amended par. (4) generally. Prior to amendment, par. (4) read as follows: “the following provisions of title 40:

“(A) sections 258a-258e (relating to condemnation proceedings);

“(B) sections 270a-270e (known as the Miller Act, relating to performance bonds);

“(C) sections 276a-276a-7 (known as the Davis-Bacon Act, relating to prevailing wages);

“(D) section 276c (relating to wage payments of certain contractors);

“(E) chapter 5 (the Contract Work Hours Standards Act); and

“(F) chapter 15 (the Government Losses in Shipment Act);”.

1996—Subsec. (b)(9). Pub. L. 104-208, §101(f) [title VI, §662(f)(1)(A)], struck out “and” at end.

Subsec. (b)(10). Pub. L. 104-208, §101(f) [title VI, §662(f)(1)(B)], substituted “(10) the Inspector General Act of 1978; and” for “the provisions of section 8F of the Inspector General Act of 1978.”

1993—Subsec. (b)(8). Pub. L. 103-82, §202(g)(6)(A), and Pub. L. 103-123, §708(a)(1), amended par. (8) identically, striking out “and” at end.

Subsec. (b)(9). Pub. L. 103-123, §708(a)(2), substituted “chapter” for “Chapter” in par. (9) relating to title 31.

Pub. L. 103-82, §202(g)(6)(B), and Pub. L. 103-123, §708(a)(2), amended par. (9), relating to title 31, identically, substituting “; and” for period at end.

Pub. L. 103-94, §9(b)(2)(A), and Pub. L. 103-123, §708(a)(3), which directed the identical amendment of subsec. (b) by redesignating par. (9), providing for applicability to Postal Service of provisions of section 8E of Inspector General Act of 1978, as (10), could not be executed because Pub. L. 103-82, §202(g)(6)(C), struck out such par. See below.

Pub. L. 103-82, §202(g)(6)(C), struck out second par. (9) which provided for applicability to Postal Service of

the provisions of section 8E of Inspector General Act of 1978.

Subsec. (b)(10). Pub. L. 103-94, §9(b)(2)(A), and Pub. L. 103-123, §708(a)(3), which directed the identical amendment of subsec. (b) by redesignating par. (9), providing for applicability to Postal Service of provisions of section 8E of Inspector General Act of 1978, as (10), could not be executed because Pub. L. 103-82, §202(g)(6)(C), struck out such par. See above.

Pub. L. 103-82, §202(g)(6)(C), added par. (10).

Subsec. (b)(11). Pub. L. 103-94, §9(b)(2)(B), added par. (11).

1988—Subsec. (b)(6) to (8). Pub. L. 100-504, §104(b)(1)–(4), struck out “and” after semicolon in par. (6), substituted semicolon for period in par. (7), and substituted “the provisions” for “The provisions” and “; and” for period in par. (8).

Subsec. (b)(9). Pub. L. 100-504, §104(b)(5), added par. (9) relating to section 8E of Inspector General Act.

Pub. L. 100-496 added par. (9) relating to chapter 39 of title 31.

1980—Subsec. (b)(1). Pub. L. 96-523 substituted “section 3102 (employment of personal assistants for blind, deaf, or otherwise handicapped)” for “3102 (employment of reading assistants for blind employees and interpreting assistants for deaf”.

1978—Subsec. (b)(1). Pub. L. 95-454 inserted provisions relating to reading and interpreting assistants, and substituted provisions respecting applicability of chapter 72 of title 5, for provisions respecting applicability of chapter 71 of title 5.

1976—Subsec. (b)(1). Pub. L. 94-409 inserted references to sections 552a and 552b of title 5.

Subsec. (b)(8). Pub. L. 94-541 added par. (8).

1975—Subsec. (b)(7). Pub. L. 94-82 added par. (7).

1974—Subsec. (b)(1). Pub. L. 93-340 inserted “section 5520 (withholding city income or employment taxes),” before “and section 5532 (dual pay)”.

1971—Subsec. (b)(1). Pub. L. 91-656 inserted “section 3110 (restrictions on employment of relatives),” before “section 3333” and substituted “no regulation” for “not regulation”.

#### EFFECTIVE DATE OF 1993 AMENDMENTS; SAVINGS PROVISION

Amendment by Pub. L. 103-94 effective 120 days after Oct. 6, 1993, but not to release or extinguish any penalty, forfeiture, or liability incurred under amended provision, which is to be treated as remaining in force for purpose of sustaining any proper proceeding or action for enforcement of that penalty, forfeiture, or liability, and no provision of Pub. L. 103-94 to affect any proceedings with respect to which charges were filed on or before 120 days after Oct. 6, 1993, with orders to be issued in such proceedings and appeals taken therefrom as if Pub. L. 103-94 had not been enacted, see section 12 of Pub. L. 103-94, set out as an Effective Date; Savings Provision note under section 7321 of Title 5, Government Organization and Employees.

Amendment by Pub. L. 103-82 effective Oct. 1, 1993, see section 202(i) of Pub. L. 103-82, set out as an Effective Date note under section 12651 of Title 42, The Public Health and Welfare.

#### EFFECTIVE DATE OF 1988 AMENDMENTS

Amendment by Pub. L. 100-504 effective 180 days after Oct. 18, 1988, see section 113 of Pub. L. 100-504, set out as a note under section 5 of Pub. L. 95-452 (Inspector General Act of 1978) in the Appendix to Title 5, Government Organization and Employees.

Amendment by Pub. L. 100-496 applicable with respect to all obligations incurred on or after Jan. 1, 1989, see section 14(c) of Pub. L. 100-496, set out as a note under section 3902 of Title 31, Money and Finance.

#### EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-523 effective sixty days after Dec. 12, 1980, see section 3 of Pub. L. 96-523, set out as a note under section 3102 of Title 5, Government Organization and Employees.

#### EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-454 effective 90 days after Oct. 13, 1978, see section 907 of Pub. L. 95-454, set out as a note under section 1101 of Title 5, Government Organization and Employees.

#### EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-409 effective 180 days after Sept. 13, 1976, see section 6 of Pub. L. 94-409, set out as an Effective Date note under section 552b of Title 5, Government Organization and Employees.

#### EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-340 effective on 90th day following July 10, 1974, see section 3 of Pub. L. 93-340, set out as an Effective Date note under section 5520 of Title 5, Government Organization and Employees.

#### EFFECTIVE DATE OF 1971 AMENDMENT

Section 8(b) of Pub. L. 91-656 provided that: “The provisions of this section [amending this section] shall become effective on the effective date prescribed under section 15(a) of the Postal Reorganization Act [set out as an Effective Date note preceding section 101 of this title] for section 410 of title 39, United States Code, as enacted by that Act.”

#### EFFECTIVE DATE

Subsecs. (a), (b)(2) to (6), and (c)(1) to (3), (5), (6) of this section effective Apr. 13, 1971, pursuant to Resolution No. 71-14 of the Board of Governors, subsecs. (b)(1), relating to section 552 of Title 5, Government Organization and Employees, and (c)(4) effective Jan. 20, 1971 pursuant to Resolution No. 71-10 of the Board of Governors, and subsec. (d) effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as a note preceding section 101 of this title.

#### APPLICABILITY OF HATCH ACT REFORM AMENDMENTS OF 1993 TO POSTAL EMPLOYEES

Section 7 of Pub. L. 103-94 provided that: “The amendments made by this Act [enacting sections 5520a and 7321 to 7326 of Title 5, Government Organization and Employees, and section 610 of Title 18, Crimes and Criminal Procedure, amending this section, sections 1216, 2302, 3302, and 3303 of Title 5, sections 602 and 603 of Title 18, and sections 1973d and 9904 of Title 42, The Public Health and Welfare, and omitting former sections 7321 to 7328 of Title 5] (except for the amendments made by section 8 [amending sections 2302 and 3303 of Title 5]), and any regulations thereunder, shall apply with respect to employees of the United States Postal Service and the Postal Rate Commission, pursuant to sections 410(b) and 3604(e) of title 39, United States Code.”

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2803, 3604 of this title; title 31 section 1344.

### § 411. Cooperation with other Government agencies

Executive agencies within the meaning of section 105 of title 5 and the Government Printing Office are authorized to furnish property, both real and personal, and personal and nonpersonal services to the Postal Service, and the Postal Service is authorized to furnish property and services to them. The furnishing of property and services under this section shall be under such terms and conditions, including reimbursability, as the Postal Service and the head of the agency concerned shall deem appropriate.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 726.)

## EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as a note preceding section 101 of this title.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 403, 409 of this title.

**§ 412. Nondisclosure of lists of names and addresses**

(a) Except as specifically provided by subsection (b) or other law, no officer or employee of the Postal Service shall make available to the public by any means or for any purpose any mailing or other list of names or addresses (past or present) of postal patrons or other persons.

(b) The Postal Service shall provide to the Secretary of Commerce for use by the Bureau of the Census such address information, address-related information, and point of postal delivery information, including postal delivery codes, as may be determined by the Secretary to be appropriate for any census or survey being conducted by the Bureau of the Census. The provision of such information under this subsection shall be in accordance with such mutually agreeable terms and conditions, including reimbursability, as the Postal Service and the Secretary of Commerce shall deem appropriate.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 727; Pub. L. 103-430, § 4, Oct. 31, 1994, 108 Stat. 4394.)

## AMENDMENTS

1994—Pub. L. 103-430 substituted “(a) Except as specifically provided by subsection (b) or other law,” for “Except as specifically provided by law,” and added subsec. (b).

## EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as a note preceding section 101 of this title.

**§ 413. Postal services at diplomatic posts**

(a) The Postal Service and the Department of State may enter into 1 or more agreements for field testing to ascertain the feasibility of providing postal services through personnel provided by the Department of State at branch post offices established by the Postal Service in United States diplomatic missions at locations abroad for which branch post offices are not established under section 406.

(b) To the extent that the Postal Service and the Department of State conclude it to be feasible and in the public interest, the Postal Service may establish branch post offices at United States diplomatic missions in locations abroad for which branch post offices are not established under section 406, and the Department of State may enter into an agreement with the Postal Service to perform postal services at such branch post offices through personnel designated by the Department of State.

(c) The Department of State shall reimburse the Postal Service for any amounts, determined by the Postal Service, equal to the additional costs incurred by the Postal Service, including

transportation costs, incurred by the Postal Service in the performance of its obligations under any agreement entered into under this section.

(d) Each agreement entered into under this section shall include—

(1) provisions under which the Department of State shall make any reimbursements required under subsection (c);

(2) provisions authorizing the Postal Service to terminate the agreement, and the services provided thereunder, in the event that the Department of State does not comply with the provisions under paragraph (1); and

(3) any other provisions which may be necessary, including provisions relating to the closing of a post office under this section if necessary because a post office under section 406 is established in the same location.

(Added Pub. L. 101-524, § 5(a), Nov. 6, 1990, 104 Stat. 2303.)

**§ 414. Special postage stamps**

(a) In order to afford the public a convenient way to contribute to funding for breast cancer research, the Postal Service shall establish a special rate of postage for first-class mail under this section.

(b) The rate of postage established under this section—

(1) shall be equal to the regular first-class rate of postage, plus a differential of not less than 15 percent;

(2) shall be set by the Governors in accordance with such procedures as the Governors shall by regulation prescribe (in lieu of the procedures under chapter 36); and

(3) shall be offered as an alternative to the regular first-class rate of postage.

The use of the special rate of postage established under this section shall be voluntary on the part of postal patrons. The special rate of postage of an individual stamp under this section shall be an amount that is evenly divisible by 5.

(c)(1) Of the amounts becoming available for breast cancer research pursuant to this section, the Postal Service shall pay—

(A) 70 percent to the National Institutes of Health; and

(B) the remainder to the Department of Defense.

Payments under this paragraph to an agency shall be made under such arrangements as the Postal Service shall by mutual agreement with such agency establish in order to carry out the purposes of this section, except that, under those arrangements, payments to such agency shall be made at least twice a year.

(2) For purposes of this section, the term “amounts becoming available for breast cancer research pursuant to this section” means—

(A) the total amounts received by the Postal Service that it would not have received but for the enactment of this section, reduced by

(B) an amount sufficient to cover reasonable costs incurred by the Postal Service in carrying out this section, including those attributable to the printing, sale, and distribution of stamps under this section,

as determined by the Postal Service under regulations that it shall prescribe.

(d) It is the sense of the Congress that nothing in this section should—

(1) directly or indirectly cause a net decrease in total funds received by the National Institutes of Health, the Department of Defense, or any other agency of the Government (or any component or program thereof) below the level that would otherwise have been received but for the enactment of this section; or

(2) affect regular first-class rates of postage or any other regular rates of postage.

(e) Special postage stamps under this section shall be made available to the public beginning on such date as the Postal Service shall by regulation prescribe, but in no event later than 12 months after the date of the enactment of this section.

(f) The Postmaster General shall include in each report rendered under section 2402 with respect to any period during any portion of which this section is in effect information concerning the operation of this section, except that, at a minimum, each shall include—

(1) the total amount described in subsection (c)(2)(A) which was received by the Postal Service during the period covered by such report; and

(2) of the amount under paragraph (1), how much (in the aggregate and by category) was required for the purposes described in subsection (c)(2)(B).

(g) For purposes of section 416 (including any regulation prescribed under subsection (e)(1)(C) of that section), the special postage stamp issued under this section shall not apply to any limitation relating to whether more than 1 semipostal may be offered for sale at the same time.

(h) This section shall cease to be effective after December 31, 2003.

(Added Pub. L. 105-41, §2(a), Aug. 13, 1997, 111 Stat. 1119; amended Pub. L. 106-253, §3(a), July 28, 2000, 114 Stat. 636; Pub. L. 107-67, title VI, §650(b)(1), (c), Nov. 12, 2001, 115 Stat. 556, 557.)

#### REFERENCES IN TEXT

The date of the enactment of this section, referred to in subsec. (e), is the date of enactment of Pub. L. 105-41, which was approved Aug. 13, 1997.

#### AMENDMENTS

2001—Subsec. (b). Pub. L. 107-67, §650(c), substituted “of not less than 15 percent” for “of not to exceed 25 percent” in par. (1) and inserted at end of concluding provisions “The special rate of postage of an individual stamp under this section shall be an amount that is evenly divisible by 5.”

Subsec. (g), (h). Pub. L. 107-67, §650(b)(1), added subsecs. (g) and (h) and struck out former subsec. (g) which read as follows: “This section shall cease to be effective after July 29, 2002, or the end of the 2-year period beginning on the date of the enactment of the Semipostal Authorization Act, whichever is later.”

2000—Subsec. (g). Pub. L. 106-253 amended subsec. (g) generally. Prior to amendment, subsec. (g) read as follows: “This section shall cease to be effective at the end of the 2-year period beginning on the date on which special postage stamps under this section are first made available to the public.”

#### EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-67, title VI, §650(b)(2), Nov. 12, 2001, 115 Stat. 557, provided that: “The amendment made by this subsection [amending this section] shall take effect on the earlier of—

“(A) the date of enactment of this Act [Nov. 12, 2001]; or

“(B) July 29, 2002.”

#### REPORT BY COMPTROLLER GENERAL OF UNITED STATES

Pub. L. 106-253, §3(b), July 28, 2000, 114 Stat. 637, provided that: “No later than 3 months and no earlier than 6 months before the date as of which section 414 of title 39, United States Code (as amended by this section) is scheduled to expire, the Comptroller General of the United States shall submit to the Congress a report on the operation of such section. Such report shall be in addition to the report required by section 2(b) of Public Law 105-41 [set out below], and shall address at least the same matters as were required to be included in that earlier report.”

Section 2(b) of Pub. L. 105-41 provided that: “No later than 3 months (but no earlier than 6 months) before the end of the 2-year period referred to in section 414(g) of title 39, United States Code (as amended by subsection (a)), the Comptroller General of the United States shall submit to the Congress a report on the operation of such section. Such report shall include—

“(1) an evaluation of the effectiveness and the appropriateness of the authority provided by such section as a means of fund-raising; and

“(2) a description of the monetary and other resources required of the Postal Service in carrying out such section.”

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 416 of this title.

### § 415. Prohibition on restriction or elimination of services

The Postal Service may not restrict, eliminate, or adversely affect any service provided by the Postal Service as a result of the payment of any penalty imposed under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

(Added Pub. L. 105-241, §4(a), Sept. 28, 1998, 112 Stat. 1573.)

#### REFERENCES IN TEXT

The Occupational Safety and Health Act of 1970, referred to in text, is Pub. L. 91-596, Dec. 29, 1970, 84 Stat. 1590, as amended, which is classified principally to chapter 15 (§651 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 651 of Title 29 and Tables.

### § 416. Authority to issue semipostals

(a) DEFINITIONS.—For purposes of this section—

(1) the term “semipostal” means a postage stamp which is issued and sold by the Postal Service, at a premium, in order to help provide funding for a cause described in subsection (b); and

(2) the term “agency” means an Executive agency within the meaning of section 105 of title 5.

(b) DISCRETIONARY AUTHORITY.—The Postal Service is hereby authorized to issue and sell semipostals under this section in order to advance such causes as the Postal Service considers to be in the national public interest and appropriate.

(c) **RATE OF POSTAGE.**—The rate of postage on a semipostal issued under this section shall be established by the Governors, in accordance with such procedures as they shall by regulation prescribe (in lieu of the procedures under chapter 36), except that—

(1) the rate established for a semipostal under this section shall be equal to the rate of postage that would otherwise regularly apply, plus a differential of not less than 15 percent; and

(2) no regular rates of postage or fees for postal services under chapter 36 shall be any different from what they otherwise would have been if this section had not been enacted.

The use of any semipostal issued under this section shall be voluntary on the part of postal patrons. The special rate of postage of an individual stamp under this section shall be an amount that is evenly divisible by 5.

(d) **AMOUNTS BECOMING AVAILABLE.**—

(1) **IN GENERAL.**—The amounts becoming available from the sale of a semipostal under this section shall be transferred to the appropriate agency or agencies under such arrangements as the Postal Service shall by mutual agreement with each such agency establish.

(2) **IDENTIFICATION OF APPROPRIATE CAUSES AND AGENCIES.**—Decisions concerning the identification of appropriate causes and agencies to receive amounts becoming available from the sale of a semipostal under this section shall be made in accordance with applicable regulations under subsection (e).

(3) **DETERMINATION OF AMOUNTS.**—

(A) **IN GENERAL.**—The amounts becoming available from the sale of a semipostal under this section shall be determined in a manner similar to that provided for under section 414(c)(2) (as in effect on July 1, 2000).

(B) **ADMINISTRATIVE COSTS.**—Regulations under subsection (e) shall specifically address how the costs incurred by the Postal Service in carrying out this section shall be computed, recovered, and kept to a minimum.

(4) **OTHER FUNDING NOT TO BE AFFECTED.**—Amounts which have or may become available from the sale of a semipostal under this section shall not be taken into account in any decision relating to the level of appropriations or other Federal funding to be furnished to an agency in any year.

(5) **RECOVERY OF COSTS.**—Before transferring to an agency in accordance with paragraph (1) any amounts becoming available from the sale of a semipostal over any period, the Postal Service shall ensure that it has recovered the full costs incurred by the Postal Service in connection with such semipostal through the end of such period.

(e) **REGULATIONS.**—

(1) **IN GENERAL.**—Except as provided in subsection (c), the Postal Service shall prescribe any regulations necessary to carry out this section, including provisions relating to—

(A) which office or other authority within the Postal Service shall be responsible for making the decisions described in subsection (d)(2);

(B) what criteria and procedures shall be applied in making those decisions; and

(C) what limitations shall apply, if any, relating to the issuance of semipostals (such as whether more than one semipostal may be offered for sale at the same time).

(2) **NOTICE AND COMMENT.**—Before any regulation is issued under this section, a copy of the proposed regulation shall be published in the Federal Register, and an opportunity shall be provided for interested parties to present written and, where practicable, oral comment. All regulations necessary to carry out this section shall be issued not later than 30 days before the date on which semipostals are first made available to the public under this section.

(f) **ANNUAL REPORTS.**—

(1) **IN GENERAL.**—The Postmaster General shall include in each report rendered under section 2402, with respect to any period during any portion of which this section is in effect, information concerning the operation of any program established under this section.

(2) **SPECIFIC REQUIREMENT.**—If any semipostal ceases to be offered during the period covered by such a report, the information contained in that report shall also include—

(A) the commencement and termination dates for the sale of such semipostal;

(B) the total amount that became available from the sale of such semipostal; and

(C) of that total amount, how much was applied toward administrative costs.

For each year before the year in which a semipostal ceases to be offered, any report under this subsection shall include, with respect to that semipostal (for the year covered by such report), the information described in subparagraphs (B) and (C).

(g) **TERMINATION.**—This section shall cease to be effective at the end of the 10-year period beginning on the date on which semipostals are first made available to the public under this section.

(Added Pub. L. 106-253, §2(a), July 28, 2000, 114 Stat. 634; amended Pub. L. 107-67, title VI, §652(c)(1), Nov. 12, 2001, 115 Stat. 557; Pub. L. 107-117, div. B, §1201, Jan. 10, 2002, 115 Stat. 2335.)

#### AMENDMENTS

2002—Subsec. (c). Pub. L. 107-117 amended Pub. L. 107-67. See 2001 Amendment note below.

2001—Subsec. (c). Pub. L. 107-67, as amended by Pub. L. 107-117, substituted “of not less than 15 percent” for “of not to exceed 25 percent” in par. (1) and inserted at end of concluding provisions “The special rate of postage of an individual stamp under this section shall be an amount that is evenly divisible by 5.”

#### EFFECTIVE DATE

Pub. L. 106-253, §2(e), July 28, 2000, 114 Stat. 636, provided that: “The program under section 416 of title 39, United States Code (as amended by this section) shall be established within 6 months after the date of the enactment of this Act [July 28, 2000].”

#### THE 9/11 HEROES STAMP

Pub. L. 107-67, title VI, §652, Nov. 12, 2001, 115 Stat. 557, as amended by Pub. L. 107-117, div. B, §1201, Jan. 10, 2002, 115 Stat. 2335, provided that:

“(a) **SHORT TITLE.**—This section may be cited as the ‘9/11 Heroes Stamp Act of 2001’.

“(b) IN GENERAL.—In order to afford the public a direct and tangible way to provide assistance to the families of emergency relief personnel killed or permanently disabled in the line of duty in connection with the terrorist attacks against the United States on September 11, 2001, the United States Postal Service shall issue a semipostal in accordance with subsection (c).

“(c) REQUIREMENTS.—The provisions of section 416(a), (c), (d), and (f) of title 39, United States Code, shall apply as practicable with respect to the semipostal described in subsection (b), subject to the following:

“(1) RATE OF POSTAGE.—[Amended subsec. (c) of this section.]

“(2) DISPOSITION OF AMOUNTS BECOMING AVAILABLE.—All amounts becoming available from the sale of the semipostal (as determined under such section) shall be transferred to the Federal Emergency Management Agency under such arrangements as the Postal Service shall by mutual agreement with such agency establish in order to carry out the purposes of this section.

“(3) COMMENCEMENT AND TERMINATION DATES.—Stamps under this section shall be issued—

“(A) beginning on the earliest date practicable; and

“(B) for such period of time as the Postal Service considers necessary and appropriate, but in no event after December 31, 2004.

“(d) LIMITATION.—For purposes of section 416 of title 39, United States Code (including any regulation prescribed under subsection (e)(1)(C) of that section), the semipostal postage stamp issued under this section shall not apply to any limitation relating to whether more than one semipostal may be offered for sale at the same time.

“(e) DESIGN.—It is the sense of the Congress that the semipostal issued under this section should depict, by such design as the Postal Service considers to be most appropriate, the efforts of emergency relief personnel at the site of the World Trade Center in New York City and the Pentagon in Arlington, Virginia.

“(f) DEFINITIONS.—For purposes of this section—

“(1) the term ‘emergency relief personnel’ means firefighters, law enforcement officers, paramedics, emergency medical technicians, members of the clergy, and other individuals (including employees of legally organized and recognized volunteer organizations, whether compensated or not) who, in the course of professional duties, respond to fire, medical, hazardous material, or other similar emergencies; and

“(2) the term ‘semipostal’ has the meaning given such term by section 416 of title 39, United States Code.”

[For transfer of functions, personnel, assets, and liabilities of the Federal Emergency Management Agency, including the functions of the Director of the Federal Emergency Management Agency relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 313(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.]

#### DOMESTIC VIOLENCE SEMIPOSTAL STAMP

Pub. L. 107-67, title VI, §653, Nov. 12, 2001, 115 Stat. 558, provided that:

“(a) SHORT TITLE.—This section may be cited as the ‘Stamp Out Domestic Violence Act of 2001’.

“(b) IN GENERAL.—In order to afford the public a direct and tangible way to contribute to funding for domestic violence programs, the United States Postal Service shall issue a semipostal in accordance with subsection (c).

“(c) REQUIREMENTS.—The provisions of section 416 of title 39, United States Code, shall apply as practicable with respect to the semipostal described in subsection (b), subject to the following:

“(1) DISPOSITION OF AMOUNTS BECOMING AVAILABLE.—All amounts becoming available from the sale of the

semipostal (as determined under such section) shall be transferred to the Department of Health and Human Services under such arrangements as the Postal Service shall by mutual agreement with such agency establish in order to carry out the purposes of this section.

“(2) COMMENCEMENT AND TERMINATION DATES.—Stamps under this section shall be issued—

“(A) beginning on the earliest date practicable, but not later than January 1, 2004; and

“(B) for such period of time as the Postal Service considers necessary and appropriate, but in no event after December 31, 2006.

“(d) LIMITATION.—For purposes of section 416 of title 39, United States Code (including any regulation prescribed under subsection (e)(1)(C) of that section), the semipostal stamp issued under this section shall not apply to any limitation relating to whether more than one semipostal may be offered for sale at the same time.

“(e) DEFINITION.—For purposes of this section the term ‘semipostal’ has the meaning given such term by section 416 of title 39, United States Code.”

#### REPORTS BY AGENCIES

Pub. L. 106-253, §2(b), July 28, 2000, 114 Stat. 636, provided that: “Each agency that receives any funding in a year under section 416 of title 39, United States Code (as amended by this section) shall submit a written report under this subsection, with respect to such year, to the congressional committees with jurisdiction over the United States Postal Service. Each such report shall include—

“(1) the total amount of funding received by such agency under such section 416 during the year;

“(2) an accounting of how any funds received by such agency under such section 416 were allocated or otherwise used by such agency in such year; and

“(3) a description of any significant advances or accomplishments in such year that were funded, in whole or in part, out of amounts received by such agency under such section 416.”

#### REPORTS BY THE GENERAL ACCOUNTING OFFICE

Pub. L. 106-253, §2(c), July 28, 2000, 114 Stat. 636, provided that:

“(1) INTERIM REPORT.—The General Accounting Office shall submit to the President and each House of Congress an interim report on the operation of the program established under section 416 of title 39, United States Code (as amended by this section) not later than 4 years after semipostals are first made available to the public under such section.

“(2) FINAL REPORT.—The General Accounting Office shall transmit to the President and each House of Congress a final report on the operation of the program established under such section 416, not later than 6 months before the date on which it is scheduled to expire. The final report shall contain a detailed statement of the findings and conclusions of the General Accounting Office, together with any recommendations it considers appropriate.”

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 414 of this title.

### CHAPTER 6—PRIVATE CARRIAGE OF LETTERS

Sec.	
601.	Letters carried out of the mail.
602.	Foreign letters out of the mails.
603.	Searches authorized.
604.	Seizing and detaining letters.
605.	Searching vessels for letters.
606.	Disposition of seized mail.

#### § 601. Letters carried out of the mail

(a) A letter may be carried out of the mails when—